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FAX COVER SHEET

Date: August 1, 2006	Phone Number	Fax Number
To: Examiner Schubert		(571) 273-8300
From: Kevin J. Zilka		

Docket No.: NAI1P014/01.128.01

App. No: 09/916,929

Total Number of Pages Being Transmitted, Including Cover Sheet: 05

Message:

Please deliver to Examiner Schubert.

Thank you,

Kevin J. Zilka

☐ Original to follow Via Regular Mail ☒ Original will Not be Sent ☐ Original will follow Via Overnight Courier

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AT (408) 971-2573 AT YOUR EARLIEST CONVENIENCE

August 1, 2006

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NO. 3728 P. 2

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Practitioner's Docket No. NAIIP014/01.128.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chris A. Barton et al.

Application No.: 09/916,929

Group No.: 2137

Filed: July 26, 2001

Examiner: SCHUBERT

For: ANTI-VIRUS SCANNING CO-PROCESSOR

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Applicant hereby appeals to the Board from the decision of the Primary Examiner, mailed May 1, 2006, for a second time rejecting claims 1-13, 17-29, and 33-44.

1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Parents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

37 C.F.R. § 1.10*

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TRANSMISSION

✓ facsimile transmitted to the Patent and Trademark Office, (571) 273-8300.

Date:

8/1/2006

Signature

Erica L. Farlow

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Notice of Appeal from the Primary Examiner to Board—page 1 of 2

AUG. 1. 2006 1:49PM

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NO. 3728 P. 3

AUG 01 2006

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Notice of Appeal is:

Other than a small entity	\$500.00
Notice of Appeal fee due	\$500.00

3. EXTENSION OF TERM

Applicant believes that no extension of time is necessary however if the examiner feels that fees are due in accordance with the filing of this paper, the examiner is authorized to charge such fees to deposit account 50-1351 order no. (NAIIP014).

4. TOTAL FEE DUE

The total fee due is:

Notice of Appeal fee	\$0.00 (paid previously on September 21, 2005)
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TOTAL FEE DUE \$0.00

5. FEE PAYMENT

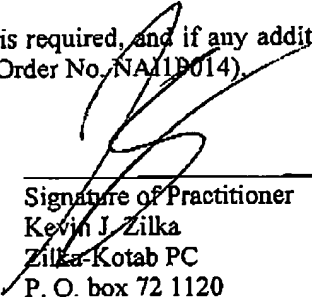
Applicant believes that only the above fees are due in connection with the filing of this paper because the Notice of Appeal fee was paid with a previous submission. However, the commissioner is authorized to charge any fees that may be due to deposit account 50-1351 (Order No. NAIIP014).

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 50-1351 (Order No. NAIIP014).

Reg. No.: 41429
Tel. No.: 408-971-2573
Customer No.: 28875



Signature of Practitioner
Kevin J. Zilka
Zilka-Kotab PC
P. O. box 72 1120
San Jose, California 95172
USA

Notice of Appeal from the Primary Examiner to Board—page 2 of 2



Practitioner's Docket No. NAIIP014/01.128.01

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TOTAL FEE DUE \$0.00

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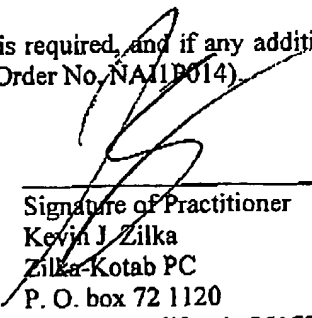
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